

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID DURAN, #1195075 §
§
VS. § CIVIL CASE NO. 4:24-CV-617-SDJ
§
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

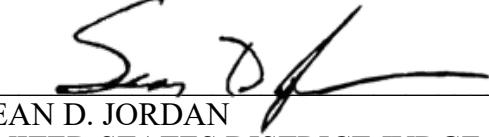
The above-entitled and numbered civil action was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation concluding that the petition for writ of habeas corpus should be dismissed without prejudice as a successive petition. No objections were timely filed.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** the petition for a writ of habeas corpus is **DISMISSED** without prejudice to Petitioner's right to file a motion for leave to file a successive 28 U.S.C. § 2254 petition in the United States Court of Appeals for the Fifth Circuit. He may not refile the petition in this court without first obtaining such permission from the Fifth Circuit, and the dismissal of the present case shall have no effect on Petitioner's right to seek permission from the Fifth Circuit to file a second or successive petition.

It is further **ORDERED** that all motions not previously ruled on are hereby
DENIED.

So ORDERED and SIGNED this 1st day of February, 2025.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE